

PATTERSON BELKNAP WEBB & TYLER LLP  
Jane Metcalf (*pro hac vice*)  
jmetcalf@pbwt.com  
Henry J. Ricardo (*pro hac vice*)  
hjricardo@pbwt.com  
1133 Avenue of the Americas  
New York, New York 10036  
Tel: (212) 336-2000  
Fax: (212) 336-2222

LAFAYETTE & KUMAGAI LLP  
Gary T. Lafayette (SBN 88666)  
Brian H. Chun (SBN 215417)  
1300 Clay Street, Suite 810  
Oakland, California 94612  
Tel. 415.357.4600  
[bchun@lkclaw.com](mailto:bchun@lkclaw.com)

*Attorneys for Defendants*  
INCOMM FINANCIAL SERVICES, INC. and PATHWARD, N.A.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KEVIN SMITH, et al.,

Case No.: 5:23-cv-4687

Plaintiff,

1

INCOMM FINANCIAL SERVICES, INC., and  
PATHWARD, N.A.

## Defendants.

**[PROPOSED] ORDER GRANTING  
DEFENDANTS INCOMM AND  
PATHWARD'S MOTION TO DISMISS**

Hon. Beth Labson Freeman

Hearing Date: April 18, 2024

Time: 9:00 a.m.

Courtroom: 3

The Motion to Dismiss filed by Defendants InComm Financial Services, Inc. (“InComm”) and Pathward, N.A. (“Pathward”), together “Defendants”, came on for hearing before this Court on April 18, 2024 at 9:00 a.m. in Courtroom 3, and all parties appeared by and through their respective legal counsel. The Court, having considered Defendants’ Notice of Motion to Dismiss, the Memorandum of Points and Authorities in support thereof, all

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1 papers and evidence submitted in opposition and reply, the pertinent pleadings, and the  
2 applicable law, and finding good cause therefor, hereby **GRANTS** Defendants' Motion to  
3 Dismiss in its entirety, without leave to amend. Accordingly, it is hereby **ORDERED** that  
4 Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**.

5 **IT IS SO ORDERED.**

6  
7 Dated \_\_\_\_\_

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8 Hon. Beth Labson Freeman  
9 United States Judge